# REMARKS

In response to the Notice of Non-Compliant Amendment dated June 6, 2008, the status of claims is corrected.

This is a full and timely response to the non-final Office Action mailed November 26, 2007. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

## A.    Summary of Examiner Interview

Applicants' representatives thank Examiner Schmidt and Primary Examiner Laforgia for the telephone conversation conducted on January 25, 2008. Claim rejections in view of cited art were discussed. Applicants' representative offered to amend independent claims to incorporate subject matter of dependent claims. No conclusions were reached.

## B.    Present Status of Patent Application

Claims 1, 2, 5, 6, 10, 11, 14, 15, 19, 20, 23, 28, 31, 33, 34, and 36-49 are now pending in the present application. Claims 1, 5-6, 10, 14-15, 19, 28, 31, 33, 34, and 36 are currently amended without introduction of new matter. It may be helpful to point out that several claims that had been canceled in Applicants' previous response have now been reinstated as new claims 37-49 that depend upon amended independent claims and Applicants believe are consequently allowable over the cited prior art. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

## C.    Claim Rejections under 35 U.S.C. §102

### Statement of the Rejection

*Claims 1, 2, 5, 6, 10, 11, 14, 15, 19, 20, 23 and 27-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Lueh (US 6,658,657 B1).*

### Response to the Rejection

### Claim 1

Applicants respectfully traverse the current rejection of claim 1 because the cited prior art of Lueh fails to unambiguously disclose each aspect of claim 1 as is necessary for carrying out a proper rejection under 35 U.S.C 102. However, rather than providing a detailed explanation at this stage, Applicants have instead opted to move forward prosecution in the case by amending claim 1 to incorporate the subject matter of dependent claims 27 and 29.

The incorporated subject matter of claim 27 pertains to "*an identifier indicating that the executable code supports runtime protection*." Applicants respectfully submit that this aspect has been described in Applicants' original specification (paragraph [0036]) and is not reasonably taught or disclosed in the cited prior art of Lueh.

Similarly, the incorporated subject matter of claim 29 pertains to "*terminating execution of the executable code*" upon not finding a target address in a reference list. This action, which has been described in various sections of Applicants' original disclosure (e.g. in paragraph [0041]), is a part of security measures to counteract hacking attempts.

In contrast, the cited prior art of Lueh pertains to determining: "*if either A's foo is inlined at operation 420 or the conventional call sequence 410 should be executed as illustrated in FIG. 4*" (Lueh col. 2, lines 29-31). These two alternative action processes (illustrated in FIGs. 4 and 6 along True/False paths) are a part of Lueh's prior art disclosure relevant to his "*method for reducing the overhead of virtual method invocations*." Clearly, such a verification process does not result in termination of executable code, specifically in the context of Applicants' protection scheme for runtime functions.

Consequently, for at least the reasons described above, Applicants respectfully submit that amended claim 1 is allowable over the cited prior art of Lueh, and hereby request withdrawal of the rejection followed by allowance of the claim.

### Claims 2, 5, and 6

Applicants respectfully submit that claims 2, 5, and 6 are allowable for at least the reason that these claims are directly dependent on allowable claim 1. Consequently, Applicants respectfully request withdrawal of the rejection followed by allowance of these claims.

It may be pertinent to point out that currently amended claim 5 cites the generation of valid target addresses "*during execution of a previous runtime function*." This aspect has been disclosed in Applicants' original specification, for example in paragraph [0033] which

describes a setjmp execution during which a target address is stored followed by a lngjmp execution when a lookup is carried out for the target address. In contrast to Applicants' storage and lookup processes carried out during <u>execution of runtime functions</u>, Lueh's target addresses are stored when <u>compiling</u> code. In this matter, Lueh's col. 2, lines 54-57 cites: "*If A's foo is not yet compiled, the actual address of A's foo is unknown. The JIT compiler then allocates memory space in which to fill the address of A's foo <u>as soon as A's foo is</u> compiled*" (emphasis added).

### Claim 10

Applicants respectfully traverse the current rejection of claim 10 because the cited prior art of Lueh fails to unambiguously disclose each aspect of claim 10 as is necessary for carrying out a proper rejection under 35 U.S.C 102. However, rather than providing a detailed explanation at this stage, Applicants have instead opted to move forward prosecution in the case by amending claim 10 to incorporate the subject matter of dependent claim 29.

As pointed out above, the incorporated subject matter of claim 29 pertains to "*terminating execution of the executable code*" and is not disclosed in the cited prior art of Lueh. Consequently, for at least this reason, Applicants respectfully submit that amended claim 10 is allowable over the cited prior art, and hereby request withdrawal of the rejection followed by allowance of the claim.

### Claims 11, 14, and 15

Applicants respectfully submit that claims 11, 14, and 15 are allowable for at least the reasons that these claims are directly dependent on allowable claim 10. Consequently, Applicants respectfully request withdrawal of the rejection followed by allowance of these claims.

### Claim 19

Applicants respectfully traverse the current rejection of claim 19 because the cited prior art of Lueh fails to unambiguously disclose each aspect of claim 19 as is necessary for carrying out a proper rejection under 35 U.S.C 102. However, rather than providing a detailed explanation at this stage, Applicants have instead opted to move forward prosecution in the case by amending claim 19 to incorporate the subject matter of dependent claim 27.

As pointed out above, the incorporated subject matter of claim 27 pertains to an

"*identifier indicating that the executable supports runtime protection*" and is not disclosed in the cited prior art of Lueh. Consequently, for at least this reason, Applicants respectfully submit that amended claim 19 is allowable over the cited prior art, and hereby request withdrawal of the rejection followed by allowance of the claim.

### Claims 20, 23, 28, 31, 33, 34, and 36

Applicants respectfully submit that claims 20, 23, 28, 31, 33, 34, and 36 are allowable for at least the reasons that these claims are dependent on respective independent claims 1, 10, and 19 that are allowable. Consequently, Applicants respectfully request withdrawal of the rejection followed by allowance of these claims. Applicants further submit that claims 21, 22, and 24-26, which have been reinstated in the current amendments, are also allowable due to their dependency on allowable claim 19.

### Claims 27, 29-30, 32, and 35

Applicants have currently canceled claims 27, 29-30, 32, and 35 and respectfully submit that the rejection of these claims has been rendered moot as a result of the cancellation.


### Cited Art Made of Record

The cited art made of record has been considered, but is not believed to affect the patentability of the presently pending claims.

## CONCLUSION

Applicants respectfully submit that pending claims 1-3, 5-12, 14-26, 28, 31, 33, 34, and 36 are allowable.  Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested.  If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned representative.


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